IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 9855 of 2007(W)

PETITIONER:

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1. SMT.SHOBANA SAHADEVAN, W/O.LATE P.C.SAHADEVAN, AGED 58 YEARS, HOUSE WIFE, RESIDING AT ACHUTHA NILAYAM, PALLIYANMOOLA, KANNUR-8.

2. SAHALA SAHADEVAN, D/O.LATE P.C.SAHADEVAN, AGED 31 YEARS, NO OCCUPATION, RESIDING AT ACHUTHA NILAYAM, PALLIYANMOOLA, KANNUR-8.

3. SARITHA SAHADEVAN, D/O.LATE P.C.SAHADEVAN, AGED 28 YEARS, NO OCCUPATION, RESIDING AT ACHUTHA NILAYAM, PALLIYANMOOLA, KANNUR-8.

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, COLLECTORATE, KANNUR.

2. THE SPECIAL DEPUTY TAHASILDAR, REVENUE RECOVERY, KANNUR.

3. THE ASST.EXCISE COMMISSIONER, KANNUR.

4. THE CIRCLE INSPECTOR OF EXCISE, KANNUR.

BY ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 9855/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT CIRCLE INSPECTOR OF EXCISE, KANNUR DATED 06/07/2000.

P2 : COPY OF THE REPLY OF EXT.P1, DATED 09/08/2000 ISSUED THROUGH HIS COUNSEL K.SUJITH, ADVOCATE.

P3 : COPY OF THE NOTICE DATED 20/12/2005 ISSUED by the 4TH RESPONDENT CIRLCE INSPECTOR OF EXCISE, KANNUR.

P4 : COPY OF THE REPLY DATED 26/12/2005 SEND BY THE 1ST PETITIONER THROUGH HER COUNSEL.

P5, P5(a) & P5(b) : COPIES OF THE DEMAND NOTICE DATED 19/12/2006 IN ENGLISH, MALAYALAM AS WELL AS THE NOTICE OF ATTACHEMNT ISSUED BY THE 2ND RESPONDENT SPECIAL DEPUTY TAHSILDAR, RECEIVED ON 20/02/2007 DEMANDING PAYMENT OF 14,916/- WITH INTEREST.

P6 : COPY OF THE REPLY NOTICE DATED 22/02/2007 ISSUED THROUGH THE PETITIONERS COUNSEL TOT HE 1ST AND 2ND RESPONDENTS.

P7 : COPY OF THE NOTICE ISSUED BY THE TAHSILDAR, KANNUR DATED 05/03/2007 TO THE PETITIONERS' COUNSEL.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 9855 of 2007

Dated, this the 5th day of July, 2007

J U D G M E N T

Petitioners are challenging recovery proceedings for recovery of abkari dues stated to be due from 1st petitioner's husband for the year 1968-69 and 1970-71. Husband of the 1st petitioner died in the year 2001. Strangely respondents have not cared to recover the amount during life time of defaulter. I find substance in the grievance of the petitioners that after 32 years of incurring liability petitioners will not be able to effectively defend the case. The arrears stated to be due for recovery was only Rs. 2,438/- and the balance only future interest. I am of the view that the recovery after 32 years of incurring liability is highly belated and the proceedings are therefore quashed as arbitrary and unreasonable.

This WP(C) is allowed.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg